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JERRY.SHORMA@HP.COM

ipa.mail@hp.com

laura.m.clark@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN DAVID LAUGHLIN

Appeal 2009-007020
Application 09/976,302
Technology Center 2100

Before CAROLYN D. THOMAS, STEPHEN C. SIU, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellant appeals under 35 U.S.C. § 134 from a rejection of claims 2-5, 11, 12, 18, 19, and 22-33. Claims 1, 6-10, 13-17, 20 and 21 have been cancelled. (App. Br. 4). We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

Introduction

According to Appellant, the invention is a system and method for “Defining Separate Print Quality Regions within a Print Job.” (Spec. 1, ¶ [02]). More specifically, the present invention relates to “generating a print job with an application on a host computer, specifying characteristics of that print job using a printer driver on the host computer and outputting that print job to a printing device that produces a hard copy rendering of the print job in accordance with the formatting provided by the printer driver.” (Spec. 1, ¶ [04]). This allows a user to define the print quality setting for regions within each page of a print job. (*Id.*).

STATEMENT OF CASE

Exemplary Claim

Claim 2 is an exemplary claim and is reproduced below:

2. A printer driver stored on a computer-readable medium comprising:

an interface configured to receive print job data;

a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;

a WYSIWYG display routine for generating a WYSIWYG display of said print job; and

a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

Prior Art

Naik	US 5,579,446	Nov. 26, 1996
Nicoloff, Jr.	US 6,017,113	Jan. 25, 2000
Terasaka	US 6,236,462 B1	May 22, 2001

Rejections

Claims 2-5, 11, 12, 18, 19, 25-27, and 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Naik and Terasaka (Ans. 4).

Claims 22-24 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Naik, Terasaka, and Nicoloff, Jr. (Ans. 20).

ISSUE

35 U.S.C. § 103(a): claims 2-5, 11, 12, 18, 19, 25-27, and 29-33

Appellant asserts the invention as recited in claim 2 is not obvious over Naik and Terasaka because the combination of references does not teach or suggest “a print driver, system or method in which a user can specify different print quality levels for different user defined regions of a print job.” (App. Br. 14). Specifically, Appellant contends Terasaka teaches a system that allows previewing of a print job on a host system prior to printing of the job. (*Id.*). Appellant further argues that although Terasaka

teaches partial printing, this is related to printing on a page-by-page basis (App. Br. 15-16 and Reply 3-4). Thus, Appellant contends it would be a tremendous leap to take Terasaka's partial print job printing on a page-by-page basis as teaching specifying different print quality levels for different user defined regions of a print job (*id.*).

The Examiner finds Terasaka teaches that a print preview is created (Ans. 24). This, according to the Examiner, allows an operator to modify the print setting and create a modified preview (*id.*). The Examiner further finds that Terasaka teaches the print request processing and print setting storing section have a terminal configured table and a print setting table for each terminal that specifies the optimum print setting for each kind of form (*id.*). Coupled with Terasaka's teaching of partial printing, the Examiner determines one of ordinary skill in the art would conclude the modifiable print setting could be applied to a document or regions of the document (Ans. 24-25).

Issue: Has Appellant shown the Examiner erred in finding that the combination of references teaches a user input routine for receiving user input to selectively define any portion of a print job as a region with an independently-specified print quality level?

FINDINGS OF FACT (FF)

Terasaka

(1) Terasaka teaches a method and system for printing in a computer system having a host computer and a terminal side. A host computer predicts results of printing at a terminal side. Print settings at the

terminal side can be changed from the host computer as the host computer includes emulators that emulate the operations system of the terminal equipment. This enables the printer driver loaded from the terminal equipment to be run on the host computer and permits a preview of material to be printed at the terminal equipment. (Abstract, col. 3, ll. 48-65; col. 4, ll. 7-11).

(2) The host computer has a WYSIWYG (What You See Is What You Get) system that includes a preview creating section. (Col. 3, ll. 60-65). “When a preview request is issued from the general application 8, the preview creating section 12 creates a print preview of form data by using the emulating environment corresponding to the terminal specified by the preview request, and returns the created print preview to the general application 8. The general application 8 displays the received print preview on the display screen.” (Col. 4, ll. 28-34 and Fig. 3).

(3) The print settings at the terminal may be manually changed by the printing processing section of the host computer, to generate a desired print preview and once selected, the print settings may be stored. When a preview request is received, the WYSIWYG system creates a print preview. The operator of the host computer can then view the print preview and determine if the print settings need to be modified (to change the format) or saved. The operator can modify the print settings until the desired result is achieved. When a print request is received, the WYSIWYG system sends the print request, with the form data appended to it. (Col. 3, ll. 48-65; col. 4, ll. 7-8 and 28-34; col. 6, ll. 9-14; col. 7, ll. 31-49; col. 8, ll. 29-31 and Fig.5).

(4) The print settings and the print request are separately sent to the terminal, or alternatively, the print settings may be included in the form data appended to the print request. (Col. 7, ll. 45-49 and Fig. 6).

(5) The system allows for partial printing since the printed page count matches between the host computer and the host terminal printer emulator. (Col. 8, ll. 29-31).

ANALYSIS

We agree with Appellant that Terasaka does not teach or suggest a user input routine for receiving user input to selectively define any portion of a print job as a region with an independently-specified print quality level. The Examiner relies on Terasaka's teaching of a preview function allowing modification of the print settings (FF 2 and FF 3); the system sending the print settings to the terminal or including the print settings in the form data appended to the print request (FF 4); and the system permitting partial printing (FF 5). (Ans. 5). The Examiner then finds that this teaches a user selectively defining a region within the print job and assigning that region an independent-specified print quality level. (*Id.*).

We find that the gap between Terasaka's teachings and the recited limitation to be uncomfortably wide and such gap cannot be bridged with theories or speculation. In particular, we find the Examiner has not sufficiently shown how the ability to modify print settings using a print preview function; send print settings in the form data; and partially printing teaches or suggests that a user can selectively define a region and its print quality level in a print job.

The Examiner has not presented any persuasive arguments or evidence that Naik cures the deficiencies of Terasaka. Accordingly, Appellant has shown the Examiner erred in finding that the combination of references teaches “a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level” as recited in independent claim 2 and commensurately recited in independent claims 11, 18, 25, 32, and 33. Therefore, Appellant has shown the Examiner erred in rejecting independent claims 2, 11, 18, 25, 32, and 33 and dependent claims 3-5, 12, 19, 26, 27, and 29-31 for obviousness over Naik and Terasaka.

35 U.S.C. § 103(a): claims 22-24 and 28

Dependent claims 22-24 and 28 depend from claims 2, 11, 18, and 25 respectively. Appellant has shown the Examiner erred in finding the combination of Naik and Terasaka, taken alone or in combination, teaches or suggests the invention as recited in claims 2, 11, 18, and 25, as set forth above. The Examiner has not presented any persuasive evidence or argument that Nicoloff, Jr. cures the deficiencies of Naik and Terasaka. Accordingly, Appellant has shown the Examiner erred in rejecting claims 22-24 and 28 for obviousness over Naik, Terasaka, and Nicoloff, Jr.

DECISION

The Examiner’s rejection of claims 2-5, 11, 12, 18, 19, 25-27, and 29-33 under 35 U.S.C. § 103(a) as being obvious over Naik and Terasaka is reversed.

Appeal 2009-007020
Application 09/976,302

The Examiner's rejection of claims 22-24, and 28 under 35 U.S.C.
§ 103(a) as being obvious over Naik, Terasaka, and Nicoloff, Jr. is reversed.

REVERSED

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528